

REMARKS

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

Reconsideration and allowance of the subject application are respectfully requested.

Claims 23-31, 33-50, and 52-61 are pending.

Applicants note with appreciation the time and effort taken by the Examiner during the Examiner Interview on June 6, 2001 regarding the art grounds of rejection in the Office Action dated April 9, 2001. As the Interview Summary Record for that interview indicates, an agreement was reached that the claimed invention distinguished over the art cited by the Examiner in the art grounds of rejection.

As discussed during the interview, Yuen discloses recording video programs on a magnetic tape. The video programs are recorded in an analog format, and for each frame of video, directory information is recorded in the vertical blanking interval (VBI). The directory information, as shown in Fig. 3 of Yuen, includes the title of the program, and a program address. The program address is disclosed in column 9, lines 55-60 of Yuen as being an absolute tape counter-value.

In reading the claimed invention on the Yuen patent, the Examiner was reading the recited relative position data on this directory information in Yuen. However, as explained during the interview, the program address in Yuen is not relative position information as claimed.

Additionally, the Examiner recognized that the Yuen patent is not directed towards recording of digital data. To overcome this deficiency, the Examiner cited the Hatakenaka patent as a secondary reference. But, as explained during the Examiner interview, one skilled in the art would not have found it obvious to have modified the apparatus in Yuen to record digital data. After all, such a modification would eliminate the vertical blanking interval into which the directory information was recorded. Also, as discussed during the interview, even if one skilled in the art were to have modified Yuen to record digital data, the claims would still not read on the modified device of Yuen.

For the reasons set forth above, Applicants respectfully request that the Examiner withdraw the art grounds of rejection as agreed during the Examiner Interview on June 6, 2001.

This application is believed to be in condition for allowance. A favorable action in the form of a Notice of Allowance is earnestly solicited.

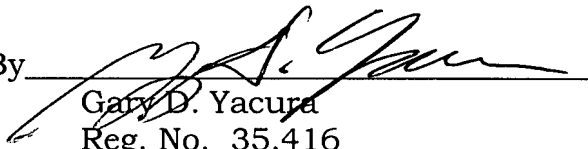
In the event that any outstanding matters remain in this application, Applicant requests that the Examiner contact Gary D. Yacura (Reg. No. 35,416) at (703) 205-8071 to discuss such matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Gary D. Yacura

Reg. No. 35,416

GDY/kmr

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 60 has been amended as follows:

60. (Amended) A digital recording medium having a data structure for controlling a reproducing operation, comprising:

a plurality of specific data areas, each specific data area storing digital specific data and associated relative position data, the associated relative position data indicative of a plurality of relative positions from a current nth specific data location to each of a $n+1$, $n+2$, ..., $n+m$ specific data location, where m is greater than 2.